(9)

O.S. 1608/

(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

WRIT PETITION NO.2501 /2004

PETITIONERS

1. BHIKHARI LAL DOHRE, AGED ABOUT 35 YEARS, BADGE NO. 267, SON OF SHRI KANHAIYALAL, PRESENTLY POSTED AT P.S.- POLICE LINE, DURG,

2. BRIJESH RAGHUWANSHI, AGED ABOUT 30 YEARS, CONSTABLE NO.438, SON OF SHRI BHAIRAV SINGH, PRESENTLY POSTED AT P.S.-GURUR, DURG, RESIDENT OF – DISTRICT GUNA.

P.R. No. 2498/04
Presented by Shri Vivek Sharma
dated 10-8-04

3. SHAKIR KHAN, AGED ABOUT 28 YEARS, SON OF WAJEER KHAN, CONSTABLE 705, PRESENTLY POSTED AT POLICE LINE – DURG.

4. SHARAD MISHRA, AGED ABOUT 25 YEARS, SON OF SHRI LAXMAN PRASAD MISHRA, CONSTABLE NO. 1323, PRESENTLY POSTED AT P.S. BALOD, DISTT. DURG.

5. MAHENDRA SINGH RAGHAV, AGED ABOUT 32 YEARS, CONSTABLE NO. 949, SON OF DARIVAD SINGH RAGHAV, PRESENTLY POSTED AT P.S. BALOD, DISTT. DURG.

RECEIVED COPY
10.8.04
Clerk to A.G. Bilaspur

6. ATUL MISHRA, SON OF SHRI GURUDATT MISHRA, AGED ABOUT 43 YEARS, CONSTABLE NO.899, PRESENTLY POSTED AT P.S. AJAK, DISTT. DURG (C.G.)

7. MOHD KHAN, AGED ABOUT 28 YEARS, SON OF SHRI MOHD NASEEM KHAN, CONSTABLE NO. 1325, PRESENTLY POSTED AT POLICE STATION DURG,

(10)

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8. CHHOTELAL, AGED ABOUT 33 YEARS, SON OF RAGHUVAR DAYAL, PRESENTLY POSTED AT P.S. BALOD DURG, CONSTABLE NO. 1055.

9. LAL SINGH GURJAR, AGED ABOUT 30 YEARS, SON OF LATE SOBHARAN SINGH, CONSTABLE NO. 892, PRESENTLY POSTED AT P.S. BALOD, DURG (CG)

10. JUNAID AHMED, CONSTABLE NO. 1171, AGED ABOUT 29 YEARS, SON OF SHRI AHMED PRESENTLY POSTED AT P.S. MAHAMAYA, DISTT. DURG

11. SOHANLAL, AGED ABOUT 30 YEARS, CONSTABLE NO. 1125, SON OF SHRI CHHATTAR SINGH VERMA, PRESENTLY POSTED AT POLICE STATION MAHAMAYA, DURG (C.G.)

12. AHSHAN KHAN, AGED ABOUT 30 YEARS, SON OF SHRI NISHAR KHAN, CONSTABLE NO.1040 PRESENTLY POSTED AT P.S. CHHAWNI, KHURSIPAR, DISTT. DURG (C.G.)

13. PHOOL SINGH, AGED ABOUT 30 YEAS SON OF SHRI MAAN SINGH, CONSTABLE NO. 800, PRESENTLY POSTED AT CHOWKI KHANDSARA, P.S. BEMETARA, DISTT. DURG (CG)

14. RAMASHANKAR OJHA, SON OF SHRI RAMDAS OJHA, AGED ABOUT 25 YEARS, CONSTABLE NO. 1107, PRESENTLY POSTED AT

(11)

(3)

CONTROL ROOM, BHILAI, DISTT. DURG (C.G.)

15. MUKESH SHRIVASTAV, SON OF SHRI K.L. SHRIVASTAV, AGED ABOUT 45 YEARS, CONSTABLE NO. 346 PRESENTLY POSTED AT P.S. BEMETARA, DISTT. DURG (CG)

16. BAHADOOR KHAN, AGED ABOUT 52 YEARS, SON OF SHRI MUSTAFA KHAN, CONSTABLE NO. 729, PRESENTLY POSTED AT P.S. DURG (C.G.)

VERSUS

RESPONDENTS

1. UNION OF INDIA, THROUGH : THE SECRETARY, DEPARTMENT OF PERSONNEL, PUBLIC GRIEVANCE AND PENSION, THIRD FLOOR LOKNAYAK BHAWAN, KHAN MARKET, NEW DELHI.

2. THE STATE OF MADHYA PRADESH, THROUGH SECRETARY, DEPARTMENT OF HOME AFFAIRS, VALLABH BHAWAN, BHOPAL (MP)

3. THE STATE OF CHHATTISGARH, THROUGH : SECRETARY, DEPARTMENT OF HOME AFFAIRS, MANTRALAY, RAIPUR (C.G.)

4. THE DIRECTOR GENERAL OF POLICE, RAIPUR, CHHATTISGARH

5. THE INSPECTOR GENERAL OF POLICE, (PERSONNEL) RAIPUR, CHHATTISGARH.

6. THE SUPERINTENDENT OF POLICE, DISTT. DURG (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 2501 /2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.09.2004

Shri Sameer Behar, Advocate appears on behalf of Shri Vivek Sharma, Advocate for the petitioners.

Shri Vinay Harit, Sr. Standing Counsel for the Union of India.

Shri V.V.S. Murthy, Dy. Advocate General for the State of Chhattisgarh.

Application for urgent hearing is allowed.

Counsel for the petitioners submitted that in similar matter bearing W.P. No. 578/04 (***Balendra Sekhar Mishra & Others Vs. Union of India & Others***), orders have been passed. He prays that similar order may be passed in this case also.

Prayer is not opposed by the other side.

Having considered the facts and circumstances of the case, material on record and in view of the judgment cited above and further the legal position, the action of the State Authorities in not relieving the petitioners cannot be sustained and the petitioners are entitled for relieving.

Accordingly, the petition is allowed. The respondents are directed to relieve the petitioners within 15 days from the date of production of copy of this order.

Consequently, M.W.P. No. 2215/2004 & I.A.No.5602/2004 also stand disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Vatti

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